



JOHN L. SCOTT, SHERIFF

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June 30, 2014

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

**JOINT RESPONSE FROM THE OFFICE OF THE INSPECTOR GENERAL AND
THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT ON A POTENTIAL
SHERIFF'S DEPARTMENT OVERSIGHT COMMISSION AND STRUCTURE**

SUBJECT

On February 25, 2014, the Board requested the Sheriff to collaborate with the Inspector General and County Counsel to provide the Board with a recommendation as to whether a Citizens' Oversight Commission would be appropriate, and to collaborate in providing input on potential alternate structures of a Los Angeles County Sheriff's Department (Department) Oversight Commission, and/or propose any alternate structure(s) for an oversight body to the Board, in writing by June 30, 2014.

EXECUTIVE SUMMARY

The Office of the Inspector General (OIG) and the Department collaborated to review and analyze various civilian oversight structures currently in use throughout the country.

Based upon our collective review, and after a great deal of consultation with numerous subject matter experts, OIG and the Department believe the best way to respond to the concerns of the Board and the public regarding the Department's operations, is to complete the staffing plan and development of the OIG before considering the development and implementation of a potential Citizens' Oversight Commission.

The OIG and the Department agree that development of the Inspector General's office can, and will provide an effective oversight mechanism best suited to assist the Department in balancing the responsibility of law enforcement and public safety with the

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responsibility of maintaining public trust while serving the public and respecting individual rights.

The OIG and the Department recommend that the Board not implement a Citizens' Oversight Commission until the OIG has had time to become fully implemented, allowing it to resolve issues and considerations about access to confidential information without interfering with the Department's investigative functions, and reporting to the Board, etc. Until such details are fully addressed, it is not the ideal time to initiate another new large scale process which will require a great deal of staff time, research, funding, and careful development. The OIG and the Department intend to develop an environment which ensures that the OIG gets an effective and strong start. Both intend on establishing a solid foundation for OIG before developing and implementing a Citizens' Oversight Commission.

DETAILED RESPONSE

In the interest of providing services which benefit the public and protect the integrity of Los Angeles County (County), and in the spirit of County inter-departmental cooperation, the OIG and the Department entered into discussions regarding the potential structure(s) and purpose of an oversight body for the Department.

The term "oversight" refers to the ongoing monitoring of police activities with a view of holding police accountable for its services, its policies, and the conduct of its members. Members of oversight panels are expected to act in a principled, transparent, and understandable manner to promote participation and accountability.

We have met with numerous subject matter experts with respect to civilian oversight, including:

- Connie Rice, Founder, the Advancement Project;
- John Mack, Former Vice-President, Los Angeles Police Department (LAPD) Board of Police Commissioners;
- Richard Drooyan, Implementation Monitor, Los Angeles County Board of Supervisors;
- Brian Buchner, President, National Association for Civilian Oversight of Law Enforcement;
- Richard Tefank, Executive Director, LAPD Board of Police Commissioners;
- Patrick Hunter, Executive Officer, County of San Diego Citizens' Law Enforcement Review Board;
- Loren Vinson, Secretary, County of San Diego Citizens' Law Enforcement Review Board;
- Miriam Krinsky, Former Executive Director, Citizens' Commission on Jail Violence;

- Mark Delgado, Executive Director Los Angeles County, Countywide Criminal Justice Coordination Committee;
- Patrisse Cullors, Lead Organizer, Coalition to End Sheriff Violence in Los Angeles County;
- Alan Skobin, Former Commissioner, LAPD Board of Police Commissioners;
- Donald J. Steck, President, Association of Los Angeles Deputy Sheriffs, and
- Brian K. Moriguchi, President, Professional Peace Officers Association.

Many of those contacted emphasized the fact that staffing, funding, and developing such a committee is a process that involves careful thought, dialog, and attention to detail. Most acknowledged that development and full implementation of the OIG should be completed prior to considering the development and implementation of civilian oversight.

However, in order to address the Board's question as to potential alternate structures, we offer the following information, which is augmented by the accompanying attachment containing a power point presentation.

Efforts to create external or citizen oversight of law enforcement agencies have traditionally been fueled by public concerns that exclusively internal mechanisms have not always produced unbiased, thorough, and timely investigations. Our analysis indicates that although there are several oversight panels across the country, there are no validated "best practices" in the creation of effective community oversight. Typically, there are two types of oversight approaches to the law enforcement agency, which are external and internal.

The external approach generally involves an independent auditor, while the internal approach involves internal affairs investigators or in-house auditors. A current trend is to incorporate the features of both models into a hybrid. One example of a hybrid incorporates community members and/or external auditors to sit with retired police managers or executives. This allows for the sharing of institutional knowledge by experienced police managers and provides more educated oversight.

Ultimately, the essential task of oversight is to strike a balance between law enforcement's accountability to the public and police independence to conduct investigations and protect its citizenry. In the development of oversight bodies, it is the responsibility of all parties to ensure that oversight remains impartial and fair to citizens and officers. Rigorous and autonomous civilian oversight is most beneficial when coupled with safeguards against overzealous review.

Our collective research into oversight bodies reveals that even a system which seems flawless in its administrative review can be problematic if the community does not believe in its integrity. If the committee is created too hastily without significant thought and dialogue from all concerned parties, such as the Board, OIG, Sheriff, County

Counsel, and police union leadership, the process of civilian oversight is less likely to work effectively.

There are multiple limitations of oversight. It is important for oversight to be one piece of the puzzle when it comes to increasing accountability and transparency. Effectiveness is also influenced by the fairness and personalities of the individuals involved. Oversight bodies must have clearly defined tools and objectives, a good working knowledge of the law enforcement agency, an unbiased staff, and adequate funding in order to be successful.

In effect, the OIG will in fact provide "civilian oversight," and the Inspector General is mindful of the importance of community outreach, and of listening to community members as part of his operations' responsibilities and opportunities. The OIG has met with numerous members of the public and initiated plans to hold town hall meetings and roundtable discussions for smaller groups. The OIG plans to conduct such outreach efforts on its own and in conjunction with interested community groups and Board offices.

RECOMMENDATIONS

The OIG and the Department recommend the Board delay consideration of a civilian commission until after the OIG completes the staffing plan, and the Department and the OIG have begun the process and implemented the protocols and procedures that will guide and facilitate their relationship.

With respect to direct civilian involvement in the operation of the Department, currently the Department has relationships with both unincorporated area Community Advisory Committees (CAC, created in 1993 in response to the Kolts Report) and municipal Public Safety Commissions. The CAC's in particular have been and continue to be very important in bridging gaps between community members who sense disenfranchisement and want more of a voice, and law enforcement personnel.

These approaches, although in place for quite a while, are flexible. For example, in 2012 a new Civilian Advisory Committee was established at Palmdale Sheriff's Station (Station). This Committee was comprised of citizens who were concerned about improving relationships between local minority communities and the Station. The current approaches to civilian involvement could conceivably be expanded by the addition of Board field deputies or appointees from each Board Office, or possibly with personnel from the OIG, thus further empowering such groups.

CONCLUSION

If you have any questions, please contact Chief Buddy Goldman, South Patrol Division, at (323) 526-5712.

Sincerely,



JOHN L. SCOTT
SHERIFF



MAX HUNTSMAN
INSPECTOR GENERAL